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Attorneys for Defendants **CITY OF LOS ANGELES and CHIEF MICHEL MOORE**

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

BLACK LIVES MATTER LOS ANGELES,
CANGRESS (DBA LA CAN), STEVEN
ROE, NELSON LOPEZ, TINA CRNKO,
JONATHAN MAYORCA, ABIGAIL
RODAS, KRYSTLE HARTFIELD, NADIA
KHAN, CLARA ARANOVICH,
ALEXANDER STAMM,
MAIA KAZIM, ALICIA BARRERA-
TRUJILO, SHANNON LEE MOORE,
DEVON YOUNG, LINUS SHENTU,
individually and on behalf of a class of
similarly situated persons,

PLAINTIFFS,

v.

CITY OF LOS ANGELES, a municipal
entity, CHIEF MICHEL MOORE , and
DOES 1-10 inclusive,

DEFENDANTS.

CASE NO. CV20-05027 CBM-AS

**DEFENDANTS CITY OF LOS
ANGELES AND CHIEF MICHEL
MOORE'S ANSWER TO
PLAINTIFFS' FIRST AMENDED
COMPLAINT; DEMAND FOR
JURY TRIAL**

DEFENDANTS CITY OF LOS ANGELES and CHIEF MICHEL MOORE,
answering the Plaintiffs' First Amended Complaint for Damages for themselves and for

no other parties, admit, deny and allege as follows:

1. Answering paragraph 1, defendants admit the allegations as to the precursor to the protests, but deny the allegations that well more than 92 percent were engaged in peaceful protest, that the protests were ended through the use of force, and that defendant imposed unconstitutional conditions of confinement as alleged in paragraph 1.
2. Answering paragraph 2, defendants deny the allegations therein.
3. Answering paragraph 3, defendants deny the allegations therein.
4. Answering paragraph 4, defendants deny the allegations that training was absent, seriously deficient or intentionally indifferent.
5. Answering paragraph 5, defendants lack specific information and belief upon which to answer the allegations contained therein, and on that basis deny the allegations.
6. Answering paragraph 6, defendants deny the allegations therein.
7. Answering paragraph 7, defendants lack specific information and belief upon which to answer the allegations contained therein, and on that basis deny the allegations. Defendants deny the allegations that many were subjected to unlawful force.
8. Answering paragraph 8, defendants lack specific information and belief upon which to answer the allegations contained therein, and on that basis deny the allegations.
9. Answering paragraph 9, defendants lack specific information and belief upon which to answer the allegations contained therein, and on that basis deny the allegations.
10. Answering paragraph 10, no factual allegations are asserted against these answering defendants so the paragraph goes unanswered.

11. Answering paragraph 11, defendants admit the allegations, but deny that nearly all of downtown was declared an “unlawful assembly.”
12. Answering paragraph 12, defendants admit the allegations but deny that there was inadequate notice.
13. Answering paragraph 13, defendants admit the allegations but deny that all of downtown was declared an “unlawful assembly” and the legal conclusion that follows.
14. Answering paragraph 14, defendants admit a request was issued.
15. Answering paragraph 15, defendants admit the allegation therein.
16. Answering paragraph 16, defendants deny the allegations therein.
17. Answering paragraph 17, defendants deny the allegations therein.
18. Answering paragraph 18, defendants admit the allegations therein.
19. Answering paragraph 19, defendants admit the allegations therein.
20. Answering paragraph 20, defendants admit the allegations therein.
21. Answering paragraph 21, defendants lack specific information and belief upon which to answer the allegations contained therein, and on that basis deny the allegations.
22. Answering paragraph 22, defendants deny the allegations therein.
23. Answering paragraph 23, defendants admit the allegations as to CANGRESS, but deny the allegation of unlawful action.
24. Answering paragraph 24, defendants lack specific information and belief upon which to answer the allegations contained therein, and on that basis deny the allegations.
25. Answering paragraph 25, defendants lack specific information and belief upon which to answer the allegations contained therein, and on that basis deny the allegations.

- 1 26. Answering paragraph 26, defendants lack specific information and belief
2 upon which to answer the allegations contained therein, and on that basis
3 deny the allegations.
- 4 27. Answering paragraph 27, defendants lack specific information and belief
5 upon which to answer the allegations contained therein, and on that basis
6 deny the allegations.
- 7 28. Answering paragraph 28, defendants lack specific information and belief
8 upon which to answer the allegations contained therein, and on that basis
9 deny the allegations.
- 10 29. Answering paragraph 29, defendants lack specific information and belief
11 upon which to answer the allegations contained therein, and on that basis
12 deny the allegations.
- 13 30. Answering paragraph 30, defendants lack specific information and belief
14 upon which to answer the allegations contained therein, and on that basis
15 deny the allegations.
- 16 31. Answering paragraph 31, defendants lack specific information and belief
17 upon which to answer the allegations contained therein, and on that basis
18 deny the allegations.
- 19 32. Answering paragraph 32, defendants lack specific information and belief
20 upon which to answer the allegations contained therein, and on that basis
21 deny the allegations.
- 22 33. Answering paragraph 33, defendants deny the allegations therein.
- 23 34. Answering paragraph 34, defendants lack specific information and belief
24 upon which to answer the allegations contained therein, and on that basis
25 deny the allegations.
- 26 deny the allegations.

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- 1 35. Answering paragraph 35, defendants lack specific information and belief
2 upon which to answer the allegations contained therein, and on that basis
3 deny the allegations.
- 4 36. Answering paragraph 36, defendants deny the allegations therein.
- 5 37. Answering paragraph 37, defendants lack specific information and belief
6 upon which to answer the allegations contained therein, and on that basis
7 deny the allegations.
- 8 38. Answering paragraph 38, defendants lack specific information and belief
9 upon which to answer the allegations contained therein, and on that basis
10 deny the allegations.
- 11 39. Answering paragraph 39, defendants lack specific information and belief
12 upon which to answer the allegations contained therein, and on that basis
13 deny the allegations.
- 14 40. Answering paragraph 40, defendants lack specific information and belief
15 upon which to answer the allegations contained therein, and on that basis
16 deny the allegations.
- 17 41. Answering paragraph 41, defendants lack specific information and belief
18 upon which to answer the allegations contained therein, and on that basis
19 deny the allegations.
- 20 42. Answering paragraph 42, defendants lack specific information and belief
21 upon which to answer the allegations contained therein, and on that basis
22 deny the allegations.
- 23 43. Answering paragraph 43, defendants lack specific information and belief
24 upon which to answer the allegations contained therein, and on that basis
25 deny the allegations.
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- 1 44. Answering paragraph 44, defendants lack specific information and belief
2 upon which to answer the allegations contained therein, and on that basis
3 deny the allegations.
- 4 45. Answering paragraph 45, defendants lack specific information and belief
5 upon which to answer the allegations contained therein, and on that basis
6 deny the allegations.
- 7 46. Answering paragraph 46, defendants lack specific information and belief
8 upon which to answer the allegations contained therein, and on that basis
9 deny the allegations.
- 10 47. Answering paragraph 47, defendants lack specific information and belief
11 upon which to answer the allegations contained therein, and on that basis
12 deny the allegations.
- 13 48. Answering paragraph 48, defendants lack specific information and belief
14 upon which to answer the allegations contained therein, and on that basis
15 deny the allegations.
- 16 49. Answering paragraph 49, defendants lack specific information and belief
17 upon which to answer the allegations contained therein, and on that basis
18 deny the allegations.
- 19 50. Answering paragraph 50, defendants lack specific information and belief
20 upon which to answer the allegations contained therein, and on that basis
21 deny the allegations.
- 22 51. Answering paragraph 51, defendants lack specific information and belief
23 upon which to answer the allegations contained therein, and on that basis
24 deny the allegations.
- 25 52. Answering paragraph 52, defendants lack specific information and belief
26 upon which to answer the allegations contained therein, and on that basis
27 deny the allegations.
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- 1 53. Answering paragraph 53, defendants lack specific information and belief
2 upon which to answer the allegations contained therein, and on that basis
3 deny the allegations.
- 4 54. Answering paragraph 54, defendants lack specific information and belief
5 upon which to answer the allegations contained therein, and on that basis
6 deny the allegations.
- 7 55. Answering paragraph 55, defendants lack specific information and belief
8 upon which to answer the allegations contained therein, and on that basis
9 deny the allegations.
- 10 56. Answering paragraph 56, defendants lack specific information and belief
11 upon which to answer the allegations contained therein, and on that basis
12 deny the allegations.
- 13 57. Answering paragraph 57, defendants lack specific information and belief
14 upon which to answer the allegations contained therein, and on that basis
15 deny the allegations.
- 16 58. Answering paragraph 58, defendants lack specific information and belief
17 upon which to answer the allegations contained therein, and on that basis
18 deny the allegations.
- 19 59. Answering paragraph 59, defendants lack specific information and belief
20 upon which to answer the allegations contained therein, and on that basis
21 deny the allegations.
- 22 60. Answering paragraph 60, defendants lack specific information and belief
23 upon which to answer the allegations contained therein, and on that basis
24 deny the allegations.
- 25 61. Answering paragraph 61, defendants lack specific information and belief
26 upon which to answer the allegations contained therein, and on that basis
27 deny the allegations.
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- 1 62. Answering paragraph 62, defendants lack specific information and belief
2 upon which to answer the allegations contained therein, and on that basis
3 deny the allegations, however, LAPD does not use teargas.
- 4 63. Answering paragraph 63, defendants lack specific information and belief
5 upon which to answer the allegations contained therein, and on that basis
6 deny the allegations.
- 7 64. Answering paragraph 64, defendants lack specific information and belief
8 upon which to answer the allegations contained therein, and on that basis
9 deny the allegations.
- 10 65. Answering paragraph 65, defendants lack specific information and belief
11 upon which to answer the allegations contained therein, and on that basis
12 deny the allegations.
- 13 66. Answering paragraph 66, defendants lack specific information and belief
14 upon which to answer the allegations contained therein, and on that basis
15 deny the allegations.
- 16 67. Answering paragraph 67, defendants lack specific information and belief
17 upon which to answer the allegations contained therein, and on that basis
18 deny the allegations.
- 19 68. Answering paragraph 68, defendants lack specific information and belief
20 upon which to answer the allegations contained therein, and on that basis
21 deny the allegations.
- 22 69. Answering paragraph 69, defendants lack specific information and belief
23 upon which to answer the allegations contained therein, and on that basis
24 deny the allegations.
- 25 70. Answering paragraph 70, defendants lack specific information and belief
26 upon which to answer the allegations contained therein, and on that basis
27 deny the allegations.
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- 1 71. Answering paragraph 71, defendants lack specific information and belief
2 upon which to answer the allegations contained therein, and on that basis
3 deny the allegations.
- 4 72. Answering paragraph 72, defendants lack specific information and belief
5 upon which to answer the allegations contained therein, and on that basis
6 deny the allegations.
- 7 73. Answering paragraph 73, defendants lack specific information and belief
8 upon which to answer the allegations contained therein, and on that basis
9 deny the allegations.
- 10 74. Answering paragraph 74, defendants lack specific information and belief
11 upon which to answer the allegations contained therein, and on that basis
12 deny the allegations.
- 13 75. Answering paragraph 75, defendants lack specific information and belief
14 upon which to answer the allegations contained therein, and on that basis
15 deny the allegations.
- 16 76. Answering paragraph 76, defendants lack specific information and belief
17 upon which to answer the allegations contained therein, and on that basis
18 deny the allegations.
- 19 77. Answering paragraph 77, defendants lack specific information and belief
20 upon which to answer the allegations contained therein, and on that basis
21 deny the allegations.
- 22 78. Answering paragraph 78, defendants lack specific information and belief
23 upon which to answer the allegations contained therein, and on that basis
24 deny the allegations.
- 25 79. Answering paragraph 79, defendants lack specific information and belief
26 upon which to answer the allegations contained therein, and on that basis
27 deny the allegations.
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1 80. Answering paragraph 80, defendants lack specific information and belief
2 upon which to answer the allegations contained therein, and on that basis
3 deny the allegations.

4 81. Answering paragraph 81, defendants lack specific information and belief
5 upon which to answer the allegations contained therein, and on that basis
6 deny the allegations.

7 82. Answering paragraph 82, defendants lack specific information and belief
8 upon which to answer the allegations contained therein, and on that basis
9 deny the allegations.

10 83. Answering paragraph 83, defendants lack specific information and belief
11 upon which to answer the allegations contained therein, and on that basis
12 deny the allegations.

13 84. Answering paragraph 84, defendants lack specific information and belief
14 upon which to answer the allegations contained therein, and on that basis
15 deny the allegations.

16 85. Answering paragraph 85, defendants lack specific information and belief
17 upon which to answer the allegations contained therein, and on that basis
18 deny the allegations.

19 86. Answering paragraph 86, defendants lack specific information and belief
20 upon which to answer the allegations contained therein, and on that basis
21 deny the allegations.

22 87. Answering paragraph 87, defendants lack specific information and belief
23 upon which to answer the allegations contained therein, and on that basis
24 deny the allegations.

25 88. Answering paragraph 88, defendants lack specific information and belief
26 upon which to answer the allegations contained therein, and on that basis
27 deny the allegations.
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- 1 89. Answering paragraph 89, defendants lack specific information and belief
2 upon which to answer the allegations contained therein, and on that basis
3 deny the allegations.
- 4 90. Answering paragraph 90, defendants lack specific information and belief
5 upon which to answer the allegations contained therein, and on that basis
6 deny the allegations.
- 7 91. Answering paragraph 91, defendants lack specific information and belief
8 upon which to answer the allegations contained therein, and on that basis
9 deny the allegations.
- 10 92. Answering paragraph 92, defendants lack specific information and belief
11 upon which to answer the allegations contained therein, and on that basis
12 deny the allegations.
- 13 93. Answering paragraph 93, defendants lack specific information and belief
14 upon which to answer the allegations contained therein, and on that basis
15 deny the allegations.
- 16 94. Answering paragraph 94, defendants lack specific information and belief
17 upon which to answer the allegations contained therein, and on that basis
18 deny the allegations.
- 19 95. Answering paragraph 95, defendants admit the allegations therein.
- 20 96. Answering paragraph 96, defendants admit the allegations therein.
- 21 97. Answering paragraph 97, these allegations are alleged against persons other
22 than these answering defendants, and on that basis remains unanswered.
- 23 98. Answering paragraph 98, these allegations are alleged against persons other
24 than these answering defendants, and on that basis remains unanswered.
- 25 99. Answering paragraph 99, defendants lack specific information and belief
26 upon which to answer the allegations contained therein, and on that basis
27 deny the allegations.
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1 100. Answering paragraph 100, defendants deny the allegations therein.

2 101. Answering paragraph 101, defendants lack specific information and belief
3 upon which to answer the allegations contained therein, and on that basis
4 deny the allegations.

5 102. Answering paragraph 102, defendants lack specific information and belief
6 upon which to answer the allegations contained therein, and on that basis
7 deny the allegations.

8 103. Answering paragraph 103, defendants deny the allegations therein.

9 104. Answering paragraph 104, defendants deny the allegations therein.

10 105. Answering paragraph 105, defendants deny the allegations therein.

11 106. Answering paragraph 106, defendants deny the allegations therein.

12 107. Answering paragraph 107, defendants deny the allegations therein.

13 108. Answering paragraph 108, defendants deny the allegations therein.

14 109. Answering paragraph 109, defendants deny the allegations therein.

15 110. Answering paragraph 110, defendants deny the allegations therein.

16 111. Answering paragraph 111, defendants deny the allegations therein.

17 112. Answering paragraph 112, defendants deny the allegations therein.

18 113. Answering paragraph 113, defendants deny the allegations therein.

19 114. Answering paragraph 114, defendants deny the allegations therein.

20 115. Answering paragraph 115, defendants deny the allegations therein.

21 116. Answering paragraph 116, defendants deny the allegations therein.

22 117. Answering paragraph 117, defendants deny the allegations therein.

23 118. Answering paragraph 118, defendants deny the allegations therein.

24 119. Answering paragraph 119, defendants admit the allegations therein.

25 120. Answering paragraph 120, defendants admit the allegations therein.

26 121. Answering paragraph 121, defendants deny the allegations therein.

27 122. Answering paragraph 122, defendants admit the allegations therein.

123. Answering paragraph 123, defendants admit the allegations therein, but deny that dispersal requirements were not met in this instance.
124. Answering paragraph 124, defendants deny the allegations therein.
125. Answering paragraph 125, defendants deny the allegations therein.
126. Answering paragraph 126, defendants deny the allegations therein.
127. Answering paragraph 127, no factual allegations are asserted against these answering defendants, and on that basis the paragraph goes unanswered.
128. Answering paragraph 128, no factual allegations are asserted against these answering defendants, and on that basis the paragraph goes unanswered.
129. Answering paragraph 124 (sic), no factual allegations are asserted against these answering defendants, and on that basis the paragraph goes unanswered.
130. Answering paragraph 125 (sic), defendants deny the allegations therein.
131. Answering paragraph 126 (sic), defendants lack specific information and belief upon which to answer the allegations contained therein, and on that basis deny the allegations.
132. Answering paragraph 127 (sic), no factual allegations are asserted against these answering defendants, and on that basis the paragraph goes unanswered.
133. Answering paragraph 128 (sic), no factual allegations are asserted against these answering defendants, and on that basis the paragraph goes unanswered.
134. Answering paragraph 129 (sic), defendants deny the allegations contained therein.
135. Answering paragraph 130 (sic), defendants deny the allegations contained therein.

- 1 136. Answering paragraph 131 (sic), defendants deny the allegations contained
2 therein.
- 3 137. Answering paragraph 132 (sic), defendants deny the allegations contained
4 therein.
- 5 138. Answering paragraph 133 (sic), no factual allegations are asserted against
6 these answering defendants, and on that basis the paragraph goes
7 unanswered.
- 8 139. Answering paragraph 134 (sic), no factual allegations are asserted against
9 these answering defendants, and on that basis the paragraph goes
10 unanswered.
- 11 140. Answering paragraph 135 (sic), no factual allegations are asserted against
12 these answering defendants, and on that basis the paragraph goes
13 unanswered.
- 14 141. Answering paragraph 136 (sic), no factual allegations are asserted against
15 these answering defendants, and on that basis the paragraph goes
16 unanswered.
- 17 142. Answering paragraph 137 (sic), no factual allegations are asserted against
18 these answering defendants, and on that basis the paragraph goes
19 unanswered.
- 20 143. Answering paragraph 138 (sic), no factual allegations are asserted against
21 these answering defendants, and on that basis the paragraph goes
22 unanswered.
- 23 144. Answering paragraph 139 (sic), defendants deny the allegations therein.
- 24 145. Answering paragraph 140 (sic), defendants deny the allegations therein.
- 25 146. Answering paragraph 141 (sic), no factual allegations are asserted against
26 these answering defendants, and on that basis the paragraph goes
27 unanswered.
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- 1 147. Answering paragraph 142 (sic), no factual allegations are asserted against
- 2 these answering defendants, and on that basis the paragraph goes
- 3 unanswered.
- 4 148. Answering paragraph 143 (sic), no factual allegations are asserted against
- 5 these answering defendants, and on that basis the paragraph goes
- 6 unanswered.
- 7 149. Answering paragraph 144 (sic), defendants deny the allegations therein.
- 8 150. Answering paragraph 145 (sic), no factual allegations are asserted against
- 9 these answering defendants, and on that basis the paragraph goes
- 10 unanswered.
- 11 151. Answering paragraph 146 (sic), defendants deny the allegations therein.
- 12 152. Answering paragraph 147 (sic), no factual allegations are asserted against
- 13 these answering defendants, and on that basis the paragraph goes
- 14 unanswered.
- 15 153. Answering paragraph 148 (sic), no factual allegations are asserted against
- 16 these answering defendants, and on that basis the paragraph goes
- 17 unanswered.
- 18 154. Answering paragraph 149 (sic), which incorporates by reference the
- 19 allegations of other paragraphs of the pleading, defendants to the same
- 20 extent incorporates by reference the answers to those paragraphs.
- 21 155. Answering paragraph 150 (sic), which incorporates by reference the
- 22 allegations of other paragraphs of the pleading, defendants to the same
- 23 extent incorporates by reference the answers to those paragraphs.
- 24 156. Answering paragraph 151 (sic), defendants deny the allegations therein.
- 25 157. Answering paragraph 152 (sic), defendants deny the allegations therein.
- 26 158. Answering paragraph 153 (sic), defendants deny the allegations therein.
- 27 159. Answering paragraph 154 (sic), defendants deny the allegations therein.
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160. Answering paragraph 155 (sic), defendants deny the allegations therein.
161. Answering paragraph 156 (sic), defendants deny the allegations therein.
162. Answering paragraph 157 (sic), defendants deny the allegations therein.
163. Answering paragraph 158 (sic), defendants deny the allegations therein.
164. Answering paragraph 159 (sic), defendants deny the allegations therein.
165. Answering paragraph 160, which incorporates by reference the allegations of other paragraphs of the pleading, defendants to the same extent incorporates by reference the answers to those paragraphs.
166. Answering paragraph 161 (sic), defendants deny the allegations therein.
167. Answering paragraph 162 (sic), defendants deny the allegations therein.
168. Answering paragraph 163 (sic), defendants deny the allegations therein.
169. Answering paragraph 164 (sic), defendants deny the allegations therein.
170. Answering paragraph 165 (sic), which incorporates by reference the allegations of other paragraphs of the pleading, defendants to the same extent incorporates by reference the answers to those paragraphs.
171. Answering paragraph 166 (sic), defendants deny the allegations therein.
172. Answering paragraph 167 (sic), defendants deny the allegations therein.
173. Answering paragraph 168 (sic), defendants deny the allegations therein.
174. Answering paragraph 169 (sic), defendants deny the allegations therein.
175. Answering paragraph 170 (sic), defendants deny the allegations therein.
176. Answering paragraph 171 (sic), which incorporates by reference the allegations of other paragraphs of the pleading, defendants to the same extent incorporates by reference the answers to those paragraphs.
177. Answering paragraph 172 (sic), defendants deny the allegations therein.
178. Answering paragraph 173 (sic), defendants deny the allegations therein.
179. Answering paragraph 174 (sic), defendants deny the allegations therein.
180. Answering paragraph 175 (sic), defendants deny the allegations therein.

AFFIRMATIVE DEFENSES

As separate and distinct affirmative defenses, defendants allege each of the following:

1. The force used against plaintiff(s), if any, was caused and necessitated by the actions of plaintiff, and was reasonable and necessary for self-defense.

2. The force used against plaintiff, if any, was caused and necessitated by the actions of plaintiff, and was reasonable and necessary for the defense of others.

3. As to the federal claims and theories of recovery, the answering individual defendant(s) is protected from liability under the doctrine of qualified immunity, because defendant's conduct did not violate clearly established statutory or constitutional rights of which a reasonable person would have known.

4. Defendant City of Los Angeles and all defendants sued in their official capacities are immune from the imposition of punitive damages.

5. The damages alleged were directly and proximately caused and contributed to by the negligence of Plaintiff(s), and the extent of damages sustained, if any, should be reduced in proportion to the amount of said negligence.

6. Plaintiffs lack standing to sue.

7. Plaintiffs are barred from seeking equitable relief because they have adequate legal remedies for any alleged injuries.

8. Plaintiffs' state law claims are barred due to failure to file the requisite tort claim.

9. Defendant City of Los Angeles contends that any recovery by Plaintiff(s) be offset by the amount owed to Defendant.

10. Plaintiff(s) failed to mitigate their damages.

11. Defendants are immune from liability pursuant to the provisions of each of the following California statutes, each of which is set forth as a separate and distinct affirmative defense:

California Government Code §§ 815.2, 818, 818.2, 820.2, 820.8, 821.6, 822.2, 844.6, 845, 845.2 and 845.6.

California Penal Code §§ 836.5 and 847(b).

California Health and Safety Code §1799.106

DEMAND FOR JURY TRIAL

Defendants hereby demand and request a trial by jury in this matter.

WHEREFORE, defendants pray for judgment as follows:

1. That plaintiffs take nothing by this action;
2. That the action be dismissed;
3. That defendants be awarded costs of suit;
4. That defendants be awarded other and further relief as the Court may

deem just and proper, including an award of attorney's fees pursuant to 42 U.S.C. § 1988.

DATED: August 21, 2020

MICHAEL N. FEUER, City Attorney
KATHLEEN A. KENEALY, Chief Asst. City Atty.
SCOTT MARCUS, Senior Assistant City Attorney
CORY M. BRENT, Senior Assistant City Attorney

By: /s/ *Geoffrey Plowden*

GEOFFREY PLOWDEN
Deputy City Attorney

Attorneys for Defendants **CITY OF LOS ANGELES**
and CHIEF MICHEL MOORE